

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,
ex rel. MICHAEL HOWARD,

Plaintiff's-Relator,

v.

Cause No. 1:14-cv-00363 JAP/KBM

TAOS HEALTH SYSTEMS, INC.
D/B/A HOLY CROSS HOSPITAL, et al.

Defendants.

STIPULATION OF DISMISSAL

Relator Michael Howard and Defendants Taos Health Systems, Inc., d/b/a Holy Cross Hospital, Peter Hofstetter, Wes Oswald, Rick Eisenring, Tim Howard, Anna Abeyta, Loretta Ortiz y Pino, Per Bjorkman, Gail Walsh, and Quorum Health Resources hereby jointly stipulate pursuant to Fed.R.Civ.Pro. 41(a)(1)(A)(ii) to the dismissal of this case as follows:

(A) Dismissal of Count I (paragraphs 189 through 194, inclusive, of the First Amended Complaint [Doc. 18]; alleging violations of the False Claims Act, 31 U.S.C. § 3729(a)(1)(A)) with prejudice as to Relator and without prejudice as to the United States, and

(B) Dismissal of the remainder of the case with prejudice.

1. The United States declined to intervene in this action. Docs 12, 13. Subsequently, Plaintiff and Defendants have entered into a settlement agreement to which the United States is not a party.
2. The United States of America consents to the dismissal of this case pursuant to 31 U.S.C. §3730(b)(1) on the express condition that this dismissal shall be without prejudice to any

and all claims the United States of America has or may have against Defendants. Further, the parties agree that the False Claims Act allegations and any and all related claims in this case are expressly preserved as to the United States of America.

Respectfully submitted,

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STIPULATED AND AGREED TO:

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CERTIFICATE OF SERVICE

I certify that on this 28 day of January, 2016, I filed the foregoing paper electronically with the Clerk of Court using the CM/ECF system and which will transmit notification of such filing to counsel of record

/s/
HOWARD R. THOMAS
Assistant U.S. Attorney